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House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

**SOAH DOCKET NO. 582-09-5331
TCEQ DOCKET NO. 2009-1007-UCR**

**APPLICATION OF THE CITY OF
BANDERA TO OBTAIN A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN BANDERA
COUNTY**

**§ BEFORE THE STATE OFFICE
§
§ OF
§
§ ADMINISTRATIVE HEARINGS**

CHIEF CLERKS OFFICE

NOV -2 PM 4:59

**TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY**

**APPLICANT, CITY OF BANDERA'S STATUS REPORT AND MOTION TO
EXTEND ABATEMENT**

The APPLICANT, City of Bandera, hereby files this, its First Status Report and Motion to Extend Abatement, and would show the Court the following:

1. On September 2, 2009, a preliminary hearing was held in this case, and jurisdiction was proven. The City of Bandera (City), the Executive Director (ED), and the Office of Public Interest Counsel were each admitted as parties.

2. At the preliminary hearing, the ED moved to abate the case for 60 days to give the parties additional time to attempt to negotiate a settlement. All parties supported the motion. As a part of granting the motion, a status report is required to be filed by the parties by November 2, 2008.

3. The City has undertaken significant efforts to satisfy the concerns of the ED by clarifying the mapping issues brought by the ED.

4. The parties have been negotiating in good faith, and continue to negotiate in good faith.

**PUBLIC UTILITY COMMISSION
FILING CLERK**

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5. The City has spoken with a representative of the Executive Director for the TCEQ. All parties believe that further negotiation is in the best interest of all parties, and no party opposes an extension of the abatement.

6. The City hereby requests an extension of the abatement for an additional sixty days to continue and conclude negotiations and achieve a settlement of all issues with all parties.

7. This extension is not sought for the purpose of delay, but rather for the purpose of coming to an agreement with all adverse parties.

Prayer

8. For these reasons, the City asks that the Court accept its Status Report, and grant the requested extension of the abatement for sixty days to allow the parties to continue to negotiate and seek settlement of these issues.

Respectfully submitted,
Akers & Boulware-Wells, L.L.P.
6618 Sitio Del Rio Blvd Bldg E Suite 102
Austin, Texas 78730
Phone: (512) 852-2283
Facsimile: (512) 852-2292

By: 

Jason D. King
State Bar #24048590

ATTORNEY FOR BANDERA

CERTIFICATE OF SERVICE

I certify that I sent a copy of the City's Status Report and Request to Extend Abatement by Facsimile and First Class Mail to the following on November 2, 2009:

Blas J. Coy, Jr.
Office of Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
512-239-6363 ph
512-239-6377 fax

Docket Clerk
TCEQ
Office of the Chief Clerk
P.O. Box 13087
Austin, TX 78711
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Douglas Brown
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512-239-2253 ph
512-239-0606 fax

State Office of Administrative Hearings
300 West 15th street, Suite 502
Austin, Texas 78701
512-475-4993 ph
512-475-4994 fax

By: 

Jason D. King
State Bar #24048590

Certificate of Conference

I certify that I conferred with a representative of the Executive Director of the TCEQ on or about October 28, 2008 about this motion. No party objects to the requested extension of abatement.

By: 

Jason D. King
State Bar #24048590

CHIEF CLERKS OFFICE

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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Attorneys at Law

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FAX COVER SHEET

Date: 11/2/2009

Recipient: Docket Clerk, Office of the Chief Clerk

Client I.D. #: 3177-1040

Organization: TCEQ

Phone Number:

Fax Number: 512-239-3311

Sender: Nathan Akers

Pages including cover: 5

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NOV - 2 PM 4: 59

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

Re: City of Bandera, Texas Application to Obtain a Certificate of Convenience and Necessity
in Bandera County

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